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GENERAL ASSEMBLY
Fifty-third session
Agenda item 45
THE SITUATION IN AFGHANISTAN AND ITS
IMPLICATIONS FOR INTERNATIONAL
PEACE AND SECURITY

SECURITY COUNCIL
Fifty-third year

Identical letters dated 7 October 1998 from the Permanent Representative of Afghanistan to the United Nations addressed to the Secretary-General and to the President of the Security Council

I have the honour to transmit herewith a letter dated 7 October 1998 addressed to you by the Ministry of Foreign Affairs of the Islamic State of Afghanistan concerning the present situation in Afghanistan.

I should be grateful if you would have the text of the present letter and its annex circulated as a document of the General Assembly, under agenda item 45, and of the Security Council.

(Signed) Dr. A. G. Ravan FARHÂDI
Ambassador
Permanent Representative

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Annex

Letter dated 7 October 1998 from the Ministry of Foreign Affairs of Afghanistan addressed to the Secretary-General and to the President of the Security Council

The Ministry of Foreign Affairs of the Islamic State of Afghanistan presents its compliments to the Secretary-General of the United Nations and, pursuant to document A/52/1006-S/1998/727, dated 7 August 1998, has the honour to communicate the following on the presence of Pakistani military personnel in Afghanistan.

The information collected herein represents data obtained by the intelligence services of the Islamic State of Afghanistan, statements by Pakistani officials and reports in Pakistani newspapers. The figures may bear plus or minus 15 per cent inaccuracy.

1. Pakistan began dispatching personnel into Taliban-occupied areas of Afghanistan in 1994, and their number has steadily increased.

(a) Officers and other servicemen of the Pakistani military intelligence services (ISI), who are in charge of tactical, organizational, administrative and intelligence aspects of military operations, of command and control and of political assignments - in sum those Pakistani officers who carry out the ISI-designated policy and schemes in Afghanistan - are currently estimated at 800 men.

(b) Members of Pakistani paramilitary organizations and groups, patronized by ISI:

(i) Harakat-ul-Ansar (renamed Harakat-ul-Mujahideen in order to conceal its past record of terrorism);

(ii) Sipah-i-Sahaaba (a terrorist group whose platform entails only the killing of Shi'as, now mobilized by ISI in Afghanistan against the Hazara ethnic group and other members of the Shi'a sect);

(iii) Other extremist groups with different denominations, Arab and Pakistani, under the ISI assignments.

Some of these combatants serve on a rotational basis between Afghanistan and other battlefields. The aforementioned groups and Pakistani ISI liaison officers to them total 3,800 men.

(c) Individuals and groups called "Sarhad Militia" (armed tribal units trained and mobilized since the time of the British rule by Pakistan) include about 2,500 men.

2. Pakistani units specializing in urban warfare and ready to "defend" Kabul City against an eventual liberation attempt from the north number 4,300 men.

3. Armed personnel called "volunteers", who have entered Afghanistan since July 1998 after the sudden closure of madrassas (religious schools in the North-West Frontier Province and parts of Punjab subsequent to appeals for jihad, i.e. war against non-Muslims), who have been dispatched for the recent occupation assignments of the northern cities of Afghanistan and the majority of whom speak Punjabi, are estimated at 16,500 men.

4. New "volunteer groups", which arrived in Afghanistan between 20 and 26 September 1998, represent 5,000 men. On 5 October 1995 it was learned that fresh groups of Pakistani mercenaries were recently ferried from Jalalabad to Ghorband and Khenjan.

The total number of Pakistanis in Afghanistan - excluding prisoners of war - comprise around 33,000 men.

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Fifty-third session
Agenda item 110 (a)
Human rights questions: implementation of human rights instruments

Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights

Report of the Secretary-General

1. At its fifty-second session, by resolution 52/118 of 12 December 1997, the General Assembly requested the Secretary-General to report to it at its fifty-third session on measures taken to implement that resolution, on obstacles to its implementation and on measures taken or planned to ensure financing and adequate staff and information resources for the effective operation of the human rights treaty bodies. It decided to continue giving priority consideration at its fifty-third session, under the item entitled "Human rights questions", to the conclusions and recommendations of the meetings of persons chairing the human rights treaty bodies, in the light of the deliberations of the Commission on Human Rights.

2. The present report contains a summary of action taken by the Commission on Human Rights, the human rights treaty bodies, the meeting of the persons chairing those bodies and the Secretariat to implement General Assembly resolution 52/118.

3. At its fifty-fourth session, the Commission on Human Rights examined the question of the effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights, and, on 17 April 1998, adopted resolution 1998/27 on this question. It will consider the question again at its fifty-sixth session.

Extraordinary meeting of persons chairing human rights treaty bodies

4. The persons chairing the human rights treaty bodies convened for an extraordinary three-day meeting at the United Nations Office at Geneva from 25 to 28 February 1998 to pursue the reform process initiated at their previous meeting aimed at improving the effective implementation of international instruments on human rights. The request for an extraordinary meeting had been welcomed by the General Assembly at its fifty-second session. The report on the meeting, including the conclusions and recommendations of the chairpersons, is contained in document A/53/125.

Plans of action to strengthen the implementation of the Convention on the Rights of the Child and the International Covenant on Economic, Social and Cultural Rights

5. The treaty bodies have long expressed concern about the low level of resources allocated to them. Two of them – the Committee on the Rights of the Child and the Committee on Economic, Social and Cultural Rights – adopted plans of

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action to strengthen the implementation of the treaties they monitor through extrabudgetary resources.

6. The Plan of Action to strengthen the implementation of the Convention on the Rights of the Child aims to improve the quantitative and qualitative support provided to the Committee on the Rights of the Child and to strengthen follow-up to the Committee's recommendations at the national level. The Plan provides, *inter alia*, for a support staff of up to five Professionals and funds for national-level activities. Since the Plan became operational in July 1997, the quality of country analyses and other key documents provided to the Committee has significantly improved. In addition, a preliminary survey of specific activities undertaken to follow up the Committee's recommendations at the national level has been conducted by the support team and consideration has been given to the activities to be undertaken. As at 5 August 1998, US$ 1,322,066.44 had been received.

7. The Plan of Action to strengthen the implementation of the International Covenant on Economic, Social and Cultural Rights had obtained, as at 5 August 1998, $149,247.92 of an estimated $435,728.00 needed per year to implement the Plan. Active preparations are under way to hire one expert staff member under that Plan to strengthen the quantitative and qualitative secretariat input to the Committee on Economic, Social and Cultural Rights and to follow up recommendations of the Committee at the national level.

Global Plan of Action

8. At their ninth meeting, the persons chairing the treaty bodies (A/53/125, para. 24) requested the United Nations High Commissioner for Human Rights to prepare, in consultation with the chairperson of that meeting, a global plan of action to enhance the resources available to all the human rights treaty bodies. Subsequently, the Commission on Human Rights, in its resolution 1998/27, noted the proposal with interest and encouraged the High Commissioner to prepare a draft plan of action for consideration by the persons chairing the treaty bodies at their next meeting, in September 1998. A draft global plan is in preparation, in particular addressing the needs of those treaty bodies which do not benefit from a treaty-specific plan of action.

Role of treaty bodies in identifying possibilities for technical assistance

9. The General Assembly, the Commission on Human Rights and the persons chairing the treaty bodies at their ninth meeting encouraged the human rights treaty bodies to continue to identify possibilities for technical assistance in the regular course of their work of reviewing the reports of States parties.

10. The treaty bodies in their concluding observations – when a specific need is identified in the course of the examination of State reports – regularly recommend that States parties avail themselves of technical cooperation projects and programmes available from the Office of the High Commissioner for Human Rights. Such needs commonly include assistance or training with drafting of State reports; review or revision of legislation; human rights training for members of professions directly involved in the promotion and protection of human rights, including judges, lawyers, police and armed forces, social workers and doctors; establishment of a central office or post of ombudsperson to deal with complaints of human rights abuses; and dissemination of information or conduct of public information campaigns in respect of the treaties. Two treaty bodies regularly issue documents compiling their recommendations for technical cooperation.[1]

Analytical study comparing the provisions of the six principal international human rights treaties and compilation of the reporting guidelines of the six treaties in a single volume

11. The General Assembly, in its resolution 52/118, called upon the Secretary-General to complete as soon as possible the detailed analytical study comparing the provisions of the six principal international human rights treaties.[2] It is envisaged that this study will be submitted to the General Assembly at its fifty-fourth session.

12. The General Assembly also requested the Secretary-General to compile in a single volume all the general guidelines regarding the form and content of reports to be submitted by States parties that have been issued by the treaty monitoring bodies. Those guidelines will be compiled and presented to the persons chairing the treaty bodies at their eleventh meeting.

Honoraria

13. In its resolution 52/118, the General Assembly requested the Secretary-General to submit a detailed explanation of the basis for the payment of honoraria to the members of the human rights treaty bodies and suggestions to improve coherence in this regard. Attention is drawn to the interim study of the Secretary-General on the question of honoraria payable to members of organs and subsidiary organs of the United Nations (A/52/699). In that study, reference was made to General Assembly resolutions 2489 (XXIII) of 21 December 1968, 3536 (XXX) of 17 December 1975 and 35/218 of 17 December 1980, by which the Assembly had decided that neither a fee nor any other remuneration in addition to subsistence allowances at the standard rate would normally be paid to members of organs or subsidiary organs unless expressly decided upon by the Assembly.

14. Payment of honoraria was approved by the General Assembly to members of the Human Rights Committee, the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child by resolutions 32/212 of 21 December 1977, 36/240 A of 18 December 1981 and resolution 44/201 A of 21 December 1989, respectively. The General Assembly has not approved the payment of honoraria to the members of the remaining three treaty monitoring bodies.

15. However, it may be noted that the General Assembly, by its resolution 47/111 of 16 December 1992, endorsed amendments to the treaties monitored by the Committee on the Elimination of Racial Discrimination and the Committee against Torture by which members of those Committees should henceforth receive emoluments from United Nations resources on such terms and conditions as might be decided by the Assembly.

16. The amendment to the International Convention on the Elimination of All Forms of Racial Discrimination was adopted at the fourteenth meeting of States Parties on 15 January 1992. It was decided that a new paragraph should be added as paragraph 7 of article 8, reading:

> "The members of the Committee established under the present Convention shall, with the approval of the General Assembly, receive emoluments from United Nations resources on such terms and conditions as the General Assembly may decide." (CERD/SP/45, annex)

The decision to amend article 8 further provided that:

> "... the amendment shall enter into force when it has been approved by the General Assembly and accepted by a two-thirds majority of States parties which shall have so notified the Secretary-General as depositary." (CERD/SP/45, annex)

As at 1 September 1998, 24 States parties to the Convention had accepted the amendment, significantly short of the two-thirds majority required for the amendment to enter into force.

17. The Conference of States Parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment decided, on 9 September 1992, to delete paragraph 7 of article 17 and paragraph 5 of article 18 of the Convention, and to insert a new paragraph 4 of article 18, reading:

> "The members of the Committee established under the present Convention shall receive emoluments from the United Nations resources on such terms and conditions as the General Assembly shall decide." (CAT/SP/SR.4; CAT/SP/1992/L.1)

The Conference, in adopting the amendment, also recalled that:

> "... the amendment shall become operative when it has been accepted by two thirds of the States parties to the Convention which shall have so notified the Secretary-General as depositary, and on the understanding that the proposed amendments will become operative only when the General Assembly has taken appropriate action." (CAT/SP/SR.4; CAT/SP/1992/L.1)

As at 1 September 1998, only 21 States parties had accepted the amendment.

18. In addition, the Economic and Social Council, in its decision 1993/297 of 28 July 1993, endorsed the recommendation that members of the Committee on Economic, Social and Cultural Rights should be paid honoraria equivalent to that payable to the members of other relevant treaty bodies; in its decision 1995/302 of 25 July 1995 it urged the General Assembly to give speedy attention to this matter.

19. The General Assembly, in its decision 52/463 of 31 March 1998, deferred further action on the question of honoraria pending the submission of a comprehensive report by the Secretary-General to the Assembly its fifty-third session on the question of honoraria payable to members of organs and subsidiary organs of the United Nations. It is noted that the granting of honoraria for experts is an exception to the basic principle that neither a fee nor any other remuneration is normally paid to members of organs and subsidiary organs of the United Nations in addition to travel expenses and a subsistence allowance (A/52/7/Add.7;

General Assembly resolutions 2489 (XXIII), 3536 (XXX) and 35/218).

Human rights of women

20. Welcoming the continuing emphasis by the persons chairing the human rights treaty bodies that the enjoyment of the human rights of women should be monitored closely by each treaty body within the purview of its mandate, the General Assembly, in its resolution 52/118, endorsed the request of the persons chairing the treaty bodies that the Division for the Advancement of Women of the Secretariat prepare a study analysing what each treaty body had done to incorporate gender perspectives into its work and making practical suggestions about what each could do to further incorporate gender perspectives. The Division will submit that study to the persons chairing the treaty bodies at their tenth meeting, in September 1998.

Coordination in the United Nations system in the field of human rights

21. The General Assembly, in its resolution 52/118, welcomed all measures the human rights treaty bodies might take, within their mandates, in response to situations of massive human rights violations, and requested the High Commissioner, acting within her mandate, to coordinate and consult throughout the United Nations system in this regard. Information from the treaty bodies on the human rights situation in specific countries, as well as on the status of ratifications, is routinely used by the High Commissioner and the Secretary-General during country visits.

22. The task of coordination is facilitated by a growing understanding of the links between human rights and other activities undertaken by the United Nations system. This is evident in the final documents adopted at recent world conferences and in the rights-based orientation adopted by a number of United Nations organizations and bodies, notably the United Nations Children's Fund (rights of the child) and the Office of the United Nations High Commissioner for Refugees (human rights law as a prime source of principles and structures for the protection of refugees), in addition to those agencies whose mandates traditionally focused on certain specific rights, such as the International Labour Organization (labour rights), the United Nations Educational, Scientific and Cultural Organization (the rights to education, to information and to participate in cultural life and freedom of opinion and expression) and the United Nations Centre for Human Settlements (Habitat) (the right to adequate housing).

23. The High Commissioner cooperates with these and other institutions through the inter-agency Executive Committees established by the Secretary-General to coordinate United Nations action in the areas of peace and security, economic and social affairs, humanitarian affairs and development. Through the Executive Committees, the High Commissioner is able to work towards mainstreaming human rights in all activities of the United Nations system. In addition, the High Commissioner has committed her Office to working with United Nations Secretariat departments, organizations and programmes to provide human rights training, particularly to field personnel. Human rights training is a priority component of discussions taking place between the Office of the High Commissioner and several of its key partners in the United Nations system, such as the United Nations Development Programme.

24. Detailed information on measures taken to coordinate United Nations action in the field of human rights is contained in the report of the Secretary-General to the Economic and Social Council on coordination of the policies and activities of the specialized agencies and other bodies of the United Nations system related to the coordinated follow-up to and implementation of the Vienna Declaration and Programme of Action (E/1998/60), the report of the Secretary-General to the General Assembly on this matter (A/53/372) and the report of the United Nations High Commissioner for Human Rights to the General Assembly (A/53/36).

Obstacles to the implementation of General Assembly resolution 52/118

25. Resolution 52/118 itself signals the main obstacle to its implementation, namely the lack of financial and human resources. This is part of the broader resource constraints facing the United Nations as a whole. In the context of restructuring of the Office of the United Nations High Commissioner for Human Rights, different alternatives have been tested to optimize Secretariat servicing of the treaty bodies within the limits of available resources. These, unfortunately, have not yielded significant improvements. It is hoped that the global plan of action for the treaty bodies (see para. 8 above) will lead to improvement in the support provided to all treaty bodies in respect of research, analysis, communications and implementation at the national level. States are encouraged to contribute generously to the plan.

26. Efforts to rationalize the operation of the Secretariat, however, do not address another area where serious resource constraints are affecting the work of the treaty bodies, namely, the time and resources allocated to the treaty bodies themselves. Only two treaty bodies are not faced with a substantial backlog of reports and communications, while the authorized meeting times of the other four treaty bodies do not allow them sufficient time to deal with the growing number of State reports and/or communications awaiting their consideration. Today, a report submitted to the treaty body with the largest backlog may be considered three years after its submission.

27. At the same time, some treaty bodies are making efforts to deal with the converse problem – the growing number of overdue reports and non-reporting States. Two treaty bodies have proceeded to examine the human rights situation, in the absence of a report, in States that have failed to submit a report despite receiving numerous reminders. Such efforts, however, require additional resources of the type cited above, namely, research support and meeting time.

Notes

[1] The most recent of these documents are CRC/C/40/Rev.9, issued by the Committee on the Rights of the Child, and E/C.12/1998/3, issued by the Committee on Economic, Social and Cultural Rights.

[2] International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

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Agenda item 91 (b)
Macroeconomic policy questions: financing of development, including net transfer of resources between developing and developed countries

High-level international intergovernmental consideration of financing for development: recurring themes and key elements

Note by the Secretary-General

I. Introduction

1. The General Assembly, in its resolution 52/179 of 18 December 1997, decided to convene a resumed session of the Second Committee of the fifty-second session of the Assembly in order to solicit the views of Governments on key elements that might be included in the consideration of the topic of financing for development and on the inputs required from a broad range of stakeholders, including actors both within and outside the United Nations system. In the same resolution, the Assembly also requested the Secretary-General to ensure that the reports containing those views, and requested at the resumed session, were compiled and forwarded to Governments at the fifty-third session of the Assembly. This material was to be accompanied by an index report indicating recurring themes and key elements found in the responses from the stakeholders.

2. The Second Committee met on 19 March 1998 (see A/C.2/52/SR.52). In the light of the discussions at that time, the Secretariat developed an open-ended questionnaire and solicited views of delegations on the structure and form of the questionnaire at a briefing in May 1998. The questionnaire was then sent to a broad range of stakeholders from all regions. In addition, the questionnaire was made available on the Internet and redistributed by various international organizations to their constituencies.

3. Over 180 replies were received by the Secretariat by 15 September 1998. Tables 1 and 2 provide a summary of the distribution of the questionnaire and the responses. The present note presents the recurring themes and key elements that were identified from the replies. Unless they were updated by a reply to the questionnaire, government statements to the Second Committee at its resumed session were also utilized in identifying the themes and key elements.

4. A large amount of information was provided to the Secretariat by stakeholders in responding to the questionnaire. In order to make these inputs available to delegations and to the public at large, all responses have been incorporated in a database that can be found on the Internet at: http://www.un.org/esa/analysis/ffd.htm. In addition, the Secretariat has compiled a listing of bibliographic citations to documents and reports provided to the Secretariat during this process, as well as citations to major United Nations system-related documents published since 1996. This listing is available to delegations upon request and is also available on the Internet at the location referred to above.

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5. This note is complemented by a second document on the current work of the United Nations system that addresses financing for development.

Table 1
Distribution of the questionnaire and responses, by type of stakeholder

Stakeholder type	*Questionnaires sent*	*Replies received*	*Response rate (percentage)*
Total	1 394	185	13.3
National Government or agency	218	48[a]	21.9
Intergovernmental body	108	38	35.5
Public financial institution	190	44	23.2
Private sector financial institution	274	8	2.9
Business and industry	163	2	1.2
Research body	266	21	7.9
Policy advocacy organization	110	17	15.5
Other	65	7	10.8

[a] Including one response from the European Union on behalf of its 15 members.

Table 2
Distribution of the questionnaire and responses, by country group and by geographical region

	Questionnaires sent	*Replies received*	*Response rate (percentage)*
World	1 394	185	13.3
Developed countries	773	70[a]	9.1
Economies in transition	64	17	26.6
Developing countries	476	73	15.3
Africa	161	10	6.2
Asia	173	37	21.4
Latin America and the Caribbean	122	19	15.6
Oceania	20	7	35.0
Memo item:			
International organizations	47	25	53.2

[a] Including one response from the European Union on behalf of its 15 members.

II. Recurring themes and key elements identified by stakeholders

1. Mobilizing domestic resources for development

Domestic human development and capacity-building
- Education and training
- Health and environmental protection
- Development of the private sector

Economic policies and measures
- Fiscal policy and institutions
- Monetary policy and institutions
- Savings policy
- Tax policy and institutions
- Income distribution and income concentration

Domestic financial markets and institutions
- Capital markets
- Financial institutions
- Banking system
- Microfinancing and microcredit institutions
- Domestic pension funds

Public administration and governance
- Domestic business legal framework
- Effective enforcement of laws and anti-corruption programmes
- Public participation in economic policy-making
- Policy coordination and coherence

2. Mobilizing international private financial flows for development

Private capital flows for capacity-building
- Education and training
- Development of local entrepreneurs
- Sustainable development

Utilization of different investment channels
- Foreign direct investment
- Private short-term financial flows
- Foreign portfolio investment
- Management and production contractual relations
- Project finance and management

Domestic policies on international private financial flows
- Privatization programmes

- Supervisory and regulatory arrangements
- Incentive and investment promotion programmes
- Financial market liberalization
- Credit guarantee programmes
- Disclosure of financial information

International policies on international private financial flows
- Bilateral and multilateral investment agreements
- Cross-border mergers and acquisitions
- International accounting and reporting standards
- Cross-border illicit payments
- Economic and Monetary Union (EMU)
- Market evaluations and assessments

Management of international private financial flows
- Management of currencies
- Management of volatility and its effects on development
- Management of environmental and social effects
- Leverage of international private financial resources

Distribution of private investment flows
- Least developed countries
- Sub-Saharan Africa
- Small island developing countries

3. International financial cooperation for development

International support for capacity-building
- Education and training
- Health and environment
- Poverty alleviation and humanitarian assistance
- Private sector development

Development cooperation arrangements
- Donor country policies and actions
  - Overall level of financial flows
  - Donor coordination
  - Conditionality
- Recipient countries' policies and actions
- Meeting commitments made at United Nations conferences

Official development assistance (ODA)
- Bilateral assistance
- Regional cooperation
  - Regional development banks
  - South-South aid programmes
- Multilateral assistance
- International financial institutions and assistance
- United Nations system
- Multi-bilateral aid

Non-governmental assistance (non-governmental organizations, foundations)

Effectiveness of international assistance
- Measurement and criteria for evaluation

Specific country groups

4. External debt (bilateral, multilateral and commercial)

Bilateral public sector debt

Multilateral public sector debt
- Heavily Indebted Poor Countries (HIPC) Debt Initiative

Commercial market
- Private sector debt
- Public sector debt

Aspects of external debt
- Management, monitoring and sustainability
- Consequences and impacts
- Alleviation and new solutions
- Responsibilities, problems and actions

Debt conversion
- Debt-for-nature swaps
- Debt-for-equity swaps
- Other debt-for-development swaps

Specific country groups
- Low-income countries
- Middle-income countries

5. Financing for development and trade

Capacity-building and institutional development
- Education and training
- Institutions

Trade policy

Multilateral trading arrangements

Regional trade arrangements
- South-South trade and cooperation

Trade financing

Expansion of trade
Market access
Trade promotion

Social and environmental issues in trade

Specific country groups

6. Innovative sources of financing

Uses of domestic capital markets
Use of international capital markets
New structures in public-private partnerships
Alternative types of taxation
New social dividends
Other proposals

7. Governance of the international monetary, financial and trade systems

Membership and participation
Role and activities of multilateral organizations
System performance
Crisis management and prevention
Institutional aspects
Supervisory mechanisms
Rules, standards and regulations

8. Interrelationship between major elements and other special topics

Role of the State
Peacemaking, military matters and development finance
Pace and nature of globalization
Overall international economic and financial environment
Linkages between economic polices and social priorities for development financing
Non-recurrent themes